

REMARKS

Reconsideration and allowance of the application are respectfully requested in view of the remarks presented below.

Claim Of Priority

The Office Action still does not acknowledge Applicants' claim of foreign priority nor receipt of the certified copy of the Korean priority application. Applicants therefore once again respectfully request confirmation of acknowledgment of the claim of foreign priority as well as receipt of the certified copy, which was filed November 6, 2003.

Listing Of Documents

The Examiner is reminded that as pointed out in Applicants' previous response, Examiner's listing of documents cited in the Office Action is not correct because the Form PTO-892 does not list U.S. Patent No. 7,138,103 (which is utilized in the prior art rejection) thereon. Applicants are therefore submitting herewith a Form PTO-1449 listing this document to ensure completeness of the record and the printing of the U.S. patent on the face of the issued patent. The Examiner is therefore requested to forward an initialed copy of the Form PTO-1449 with the next communication from the Patent and Trademark Office.

Restriction Requirement

The Restriction Requirement has been maintained with claims 6, 8 and 9 being withdrawn from consideration as being drawn to a non-elected invention.

Applicants are permitting claims 6, 8 and 9 to remain pending subject to rejoinder upon allowance of the elected subject matter.

Art Based Rejection

Claims 1-3, 10 and 11 are rejected under 35 U.S.C. 102(a) as being anticipated by Huang et al., "Preparation of nanometric $\text{Cu}_x\text{Fe}_{1-x}\text{OFe}_2\text{O}_3$ for treatment of tumor", Journal of Applied Physics, Vol. 93, No. 10, , May 15, 2003, 8444-8446.

It is respectfully submitted that this rejection is improper and should be withdrawn, because Huang et al. describes Applicants' own work which was published less than one year from the August 7, 2003 filing date of the present application, and is therefore not properly utilized as prior art under 35 U.S.C. 102(a).

Applicants submit herewith a Declaration Under 37 C.F.R. 1.132 indicating that one of the authors, i.e., Huiping Shao, is not a co-inventor of the claimed subject matter, and merely worked under the supervisor and direction of the inventors.

Moreover, in order that the record is clear, Applicants note that the article lists the name of one of the inventors as Yuqiang Huang stead of Yu-Quang Huang as this inventor's name appears on the executed Declaration filed with the present application. It is noted that Yuqiang Huang was a Chinese student who has studied under Professor Chong-Oh Kim's guidance, that the correct English

spelling for his name is Yuqiang Huang, and that his name was incorrectly spelled in the Declaration filed with the application. Accordingly, this is to make of record the correct spelling of Yuqiang Huang.

Moreover, the nationality for Yuqiang Huang is Chinese, and not Korean as listed in the executed Declaration. Accordingly, a Declaration wherein the citizenship of Yuqiang Huang is listed as China is being submitted herewith. Still further, Applicants are also submitting herewith a Supplemental Application Data Sheet including the corrected spelling and citizenship of Yuqiang Huang.

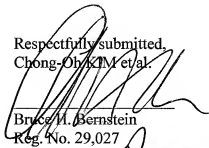
Thus, Applicants respectfully submit that Huang et al. describes Applicants' own work, and is, therefore, not citable as prior art. Applicants' disclosure of their own work within the year before the application filing date cannot be used against them under 35 U.S.C. 102(a). *In re Katz*, 215 U.S.P.Q. 14 (C.C.P.A. 1982). It is respectfully submitted that this rejection is, therefore, improper and should be withdrawn.

CONCLUSION

Entry and consideration of the present reply, reconsideration of the Office Action, and allowance of the present application and all of the claims therein are respectfully requested and believed to be appropriate.

Should the Examiner have any questions or comments regarding this response, or the present application, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully submitted,
Chong-Oh Kim et al.


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*Answered Turk
Re no. 33,094*